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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,253

07/22/2003

Lowell L. Winger

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,253	Applicant(s) WINGER ET AL.	
	Examiner Andy S. Rao	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed with respect to previously pending claims 1-20, and newly added claims 21-24 as filed on 2/5/07 have been fully considered but they are not persuasive.
2. Claims 1-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Prakasam.
3. The Applicant presents one substantive argument contending the Examiner's rejection of claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Prakasam, and further puts this argument in support of newly added claims 21-24. However, after a careful consideration of the arguments presented, and further scrutiny of the Prakasam application (US 2004/0268329 application hereinafter referred to as the Prakasam '329 application) and the provisional application #60/474,080 (hereinafter referred to as the Prakasam '080 application), the Examiner must respectfully disagree for the reasons that follow and maintain the grounds of rejection for reasons that follow, and further relies upon the Prakasam '329 application as the basis for the grounds of rejection concerning the newly added claims 21-24.

After establishing the effective date of the '329 application as being based on the provisional '080 application (Amendment of 2/5/07: page 16, lines 8-20), the Applicants argue that the Examiner cannot rely upon the date of the Prakasam '080 application because the material of the Prakasam '329 application is not properly supported in compliance with 35 U.S.C. 112, first paragraph requirements, and in particular cites the Examiner's reliance upon figure 6B of the Prakasam '329 application which the Applicants argue is not supported by the Prakasam '080 application (Amendment of 2/5/07: page 17, lines 1-12). The Examiner respectfully disagrees. The Prakasam '329 application goes into more depth in the explanation of

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various features of the Prakasam '080 application, but in fact, all the material of the Prakasam '329 application is supported by the Prakasam '080 application. For the particular instance of the information of figure 6B of the Prakasam '329 application, it is noted that this is directed towards the method for reference data management and context selection (Prakasam '329 application: paragraph [011], lines 1-10), and that this information finds support from the provisional application (Prakasam '080 application: paragraphs [0072]-[0080]). Many of the paragraphs match word for word (Prakasam '329 application: paragraphs [0061]-[0080] correspond to paragraphs [0042]-[0060] in the Prakasam '080 application). This is just one of the many instances of matching information. Accordingly, the Examiner maintains Prakasam '329 application remains a valid piece of prior art.

A detailed rejection addressing the newly added claims follows below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Prakasam.

Regarding claims 21-24, Prakasam discloses wherein said common slice comprises one or more macroblocks encoded (PCM) (Prakasam '329 application: figure 5) using arithmetic entropy coding (Prakasam '329 application: paragraph [0057], lines 1-13) and one or more macroblocks encoded using pulse code modulation (Prakasam '329 application: paragraph [0101], lines 1-8), as in the claims.

Regarding claim 23, Prakasam disclose wherein said demodulator is further configured to pulse code demodulate said second signal in a first mode and pass said second signal in a second mode (Prakasam '329 application: paragraph [0101], lines 1-9), as in the claim.

Regarding claim 24, Prakasam discloses wherein said second signal comprises pulse code modulated (PCM) data (Prakasam '329 application: paragraph [0101], lines 1-9), said third signal comprises arithmetic entropy coded (AC) data and generating said bitstream comprises selected either said pulse code modulated data or said arithmetic entropy coded data for each macroblock of said common slice (Prakasam '329 application: paragraph [0057], lines 1-13), as in the claim.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action against newly added claims 21-24. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

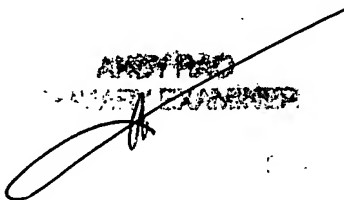
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
April 30, 2007


ANDY RAO
PRIMARY EXAMINER